

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DERRICK EQUILLA THURMOND,

Plaintiff,

Case No. 18-cv-1047-pp

v.

DUSTIN CHURCH, AARON ARMSTRONG,
TRAVIS GERVAS, DON SCHOFIELD,
ROBERT BALAKA and
FOREST COUNTY POTAWATOMI COMMUNITY,

Defendants.

**ORDER REQUIRING PLAINTIFF TO FILE RESPONSE TO DEFENDANTS'
MOTION TO DISMISS SECOND AMENDED COMPLAINT**

On January 30, 2020, the court gave the plaintiff the opportunity to file a second amended complaint that would state a claim recognizable by a federal court. Dkt. No. 33. The court received that complaint on March 3, 2020. Dkt. No. 34. On March 11, 2020, the defendants filed a motion to dismiss the second amended complaint. Dkt. No. 37. They assert that the second amended complaint does not state a claim upon which a federal court can grant relief, that the tribe and the individual supervisors are not subject to suit under Title VII or the ADA and that the tribe and the individual supervisors are protected from suit by sovereign immunity. Id.

Civil Local Rule 7(b) for this district requires a party who wishes to oppose a motion to file “any memorandum or other papers in opposition” within twenty-one (21) days of the service of the motion.

<https://www.wied.uscourts.gov/sites/wied/files/documents/Local%20Rules%202010-0201-%20Amended%202019-0903.3.pdf>. The defendants filed a certificate of service, indicating that they served the motion and supporting

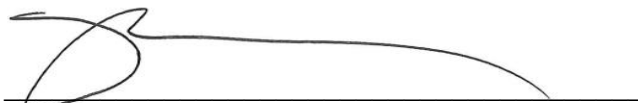
brief on the plaintiff by U.S. mail on March 11, 2020. Dkt. No. 39. That means the plaintiff's opposition papers were due around April 1, 2020. The court has received nothing from the plaintiff.

It is possible that the plaintiff has chosen not to respond to the defendant's motion. Because the court does not know that for a fact, however, it will give him a second opportunity to respond. If the plaintiff wants to oppose the defendants' motion to dismiss, he must file a written document explaining why the court should not grant the motion. He must file that document in time for the court to *receive* it by the end of the day on **May 1, 2020**. If the court does not receive the plaintiff's response by the end of the day on May 1, 2020, the court will grant the defendants' motion to dismiss the case without a hearing or any further notice to the plaintiff.

The court **ORDERS** that if the plaintiff wants to oppose the defendants' motion to dismiss, he must file a written response in time for the court to receive it by the end of the day on **May 1, 2020**. If the court does not receive a written response by the end of the day on May 1, 2020, it will grant the defendants' motion and dismiss the case on the next business day.

Dated in Milwaukee, Wisconsin this 6th day of April, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge